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# DECLARATION

OR

## REPRESENTATION

From His Excellency,

Sir Thomas Fairfax,

And the Army under his command,

*Humbly tendered to the Parliament,*

Concerning the Iust and Fundamentall  
Rights and Liberties of themselves  
and the Kingdome.

WITH

*Some humble Proposals and Desires.*

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*By the appointment of his Excellency Sir THOMAS FAIRFAX,  
With the Officers and Soldiers of his Army.*

*Signed John Rushworth, Secretary.*

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LONDON,

Printed 1647.

13.

# DECLARATION

OF

## INDEPENDENCE

of the United States of America

in the Year of our Lord one thousand seven hundred and seventy six

and the thirty first day of July

in the City of Philadelphia

General and the said Declaration

and the following

WITH

Some of the Proposals and

of the Congress of the United States

in the Year of our Lord one thousand seven hundred and seventy six

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*A Declaration, or Representation from  
his Excellency, S. Tho. Fairfax, and of  
the Army under his Command.*

*Humbly rendred to the Parliament,*

**T**HAT we may no longer be the dissatisfaction of our friends, the subject of our enemies malice ( to worke jealousies and mis-representations upon ) and the suspicion ( if not astonishment ) of many in the Kingdome, in our late or present transactions and conduct of businesse; we shall in all faithfulness and cleareness professe, and declare unto you, those things which have of late protracted and hindred our disbanding, the present grievances which possesse our Army and are yet unremedied, with our desires, as to the compleat settlement of the liberties, and peace of the Kingdom, which is that blessing of God, then which ( of all worldly things ) nothing is more dear unto us, or more pretious in our thoughts, we having hitherto thought all our present enjoyments ( whether of life or livelihood, or nearest relations ) a price but sufficient to the purchase of so rich a blessing, that we and all the free-borne people of this Nation, may sit down in quiet under our Vines, under the glorious administration of Justice and righteousness, and in the full possession of those Fundamentall Rights and Liberties, without which we can have little hopes ( as to humane considerations ) to enjoy either any comforts of life, or so much as life it selfe, but at the pleasures of some men, ruling meerly according to will and power.

It cannot be unknowne what hath passed betwixt the Parliament and the Army, as to the service of Ireland. By all which, together with the late proceedings against the Army, in relation to their petition and grievances; all men may judge what hath

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hindred

hindred the Army from a ready engagement in that service ; and without further account or Apologie , as to that particular, then what passages and proceedings themselves ( already made publicke,) doe afford ; we doe appeale to your selves, whether those courtes, to which the Parliament hath ( by the designs and practises of some ) been drawne, have rationally tended to induce a cheerefull and unanimous undertaking of the Army to that service, or rather to breake and pull the Army in pieces with discontent and dishonour, and to put such dis-obligations and provocations upon it, as might drive it into distemper, and indeed discourage both this Army and other Souldiers from any further engagement in the Parliaments service. And we wish all men would ( with us ) upon the whole carriage, seriously consider, whether ( in the intentions of those who have by false informations, and mis-representations put the Parliament upon such wayes ) the timely and effectuall reliefe of *Ireland*, seem really to have been intended, or rather ( with the breaking, or disbanding of this Army ) to draw together, or raise such other forces, and of such a temper as might serve to some desperate and destructive designs in *England*. For which, ( besides the probable suspitions from their carriage of the businesse ) we have before hand, in the transaction thereof, had more then hints of such a designe, by cleare expressions to that purpose, from many of the Officers of the Army, that have been perswaded, and appeared most forward, to engage as for *Ireland*, on the termes proposed. And, that such a designe hath all along been driven ; seems now to evident, by the present disposing of those Forces that have been engaged for *Ireland*, by the endeavours of some, to gain a power from the Parliament of ordering those Forces for some service in *England* ; and by the private listings of men for service there, without any publick authority of Parliament. And ( all this ) by the same persons, who have all along appeared most active, and violent in the late proceedings against the Army.

As to the just discontents and dissatisfactions of the Army, in relation to their grievances, and their non-compliance to the late orders for sudden disbanding by peece-meale ( before more full and equall satisfaction were given to the whole ) we desire you to look back to the Papers already published, of the grievances

vances themselves, the Narrative of the Officers, and the late Papers from the generall Councell of Warre at *Barry*, and late generall Rendezvouz neare *Newmarket*: and ( we thinke ) your late refusing the consideration of these things ( as to a further satisfaction ) doth much iustifie the desires and proceedings of the Army, in the past particulars, hitherto.

And though ( had we ( upon our first addresss ) for our undoubted Rights and Dues ) bound or free, a candid reception, with a iust consideration, and a reasonable satisfaction, or at least a free answer therein, wee should have been easily perswaded to have abated or forborne much of our Dues, and not to have enquired into, or considered ( so farre as we have ) either the possibilitie there are for more present satisfaction of Arreares, or the credit of future securities proposed; yet since upon these former addressses, we have found such hard dealing, as in the said Papers is set forth, and those additionall ( though hitherto but partiall ) satisfactions, comming so hardly as they have, we finde no obliging reasons in the least, to decline or recede from what is our due; but rather still to adhere unto our desires of full and equall satisfaction, in all the things mentioned in the aforesaid Papers, not onely in behalf of our selves, and the Army, but also the whole Souldiery throughout the whole Kingdome, who have concatted, or shall concurre with us in the same desires.

And to all our former desires, as Souldiers, we cannot but adde this ( wherein we find our selves so nearly concerned in poynt of Justice and Reputation ) that more care, and a stricter course may be taken for making good all Articles granted upon Surrenders, according to the true intent and meaning of them. As also for Remedy and Reparation in case of any breach; ( and this ) without those delays which divers have found, as prejudiciall to them or more, then if they had been totally denyed the performance of them

Nor will it now ( wee hope ) seeme strange or unreasonable to ratioll and honest men, who consider the consequence of our present case, to their own, and the Kingdoms, ( aswell as our ) future concernments in poynt of right, freedome, peace and safety, if

if ( from a deepe sence of the high consequence of our present case, both to our selves ( in future ) and all other people ) we shall, before disbanding, proceed, in our own and the Kingdoms behalf, to propound, and plead, for some provision, for our, and the Kingdoms satisfaction, and future security in relation to those things, especially considering, that we were not a meere mercenary Army, hired to serve any Arbitrary power of a State ; but called forth and conjured, by the severall Declarations of Parliament, to the defence of our owne and the peoples just rights, and liberties ; And so we tooke up Armes, in judgement and conscience to those ends, and have so continued them, and are resolved according to your first just desires in your Declarations, and such principles as we have received from your frequent informations, and our own common sence concerning those our fundamentall Rights and Liberties, to assert and vindicate, the just power, and Rights of this Kingdome in Parliament for those common ends premised, against all arbitrary power, violence and oppression, and against all particular parties, or interests whatsoever. The said Declarations still directing us to the equitable sence of all Laws and constitutions as dispensing with the very Letter of the same, and being supreme to it, when the safety and preservation of all is concerned, and assuring us, that all authority is fundamentally seated, in the office, and but ministerially in the persons, neither doe or will these our proceedings ( as we are fully and in conscience perswaded ) amount to any thing, not warrantable before God and men, being thus far, much short of the common proceedings in other Nations, to things of an higher nature then we have yet appeared to. And we cannot but be sensible of the great complaints, that have been made generally to us of the Kingdome, from the people where we march, of arbitrarinesse and injustice, to their great and insupportable oppressions.

And truly such Kingdomes, as have according both to the law of Nature and Nations, appears to the vindication and defence, of their just rights and liberties, have proceeded much higher ; As our brethren of *Scotland* : who in the first beginning of these late differences, associated in Covenant, from the very same grounds and principles ( having no visible form, either of Parliament or King to countenance them ) and as they were therein



therein justified, and protected by their own, and this Kingdome also, so we justly shall expect to be.

We need not mention the States of the *Netherlands*, the *Portugals*, and others, all proceeding upon the same Principles of right and freedome; And accordingly the Parliament hath declared it no resistance of Magistracie, to side with the just Principles, and Law of Nature and Nations, being that Law upon which we have assisted you. And that the Souldiery may lawfully hold the hands of that Generall, who will turne his Cannon against his Army on purpose to destroy them; the Sea-men the hands of that Pylot, who wilfully runnes the Ship upon a Rock, (as our brethren of *Scotland* argued.) And such were the proceedings of our Ancestors of famous memory, to the purchasing of such Rights and Liberties as they have enjoyed through the price of their blood; and we (both by that and the later blood of our deare friends and fellow-Souldiers, with the hazard of our own) doe now lay claim unto.

Nor is that supream end, (the glory of God) wanting in these cases, to set a price upon all such proceedings of Righteousness and Justice, it being one witnesse of God in the World to carry on a Testimony against the Injustice and unrighteousnesse of men, and against the mis-carriages of Government, when corrupted or declining from their primitive or original glory.

These things we mention, but to compare proceedings, and to shew that we are so much the more justifiable, and warranted in what we doe, by how much we come short of that height and measure of proceedings, which the people in free Kingdomes and Nations have formerly practiced.

Now having thus farre cleared our way in this businesse, wee shall proceed to propound such things as we doe humbly desire for the settling and securing of our own and the Kingdomes common right, freedome, peace, and safety, as followeth.

1. That the Houses may be speedily purged of such members; as for their Delinquency, or for Corruptions, or abuse to the State, or undue Elections, ought not to sit there: whereof  
the

the late elections in *Cornwall, Wales*, and other parts of the Kingdome afford too many examples, to the great prejudice of the peoples freedome in the said elections.

2. That those persons, who have, in the unjust and high proceedings against the Army, appeared to have the will, the confidence, credit, and power, to abuse the Parliament, and the Army, and indanger the Kingdome in carrying on such things against us (while an Army) may be some way speedily disabled from doing the like or worle to us (when disbanded, and disperst, and in the condition of private men) or to other the free-borne people of *England* in the same condition with us, and that for that purpose, the same persons may not continue in the same power (especially as our and the Kingdomes Judges in the highest trust) but may be made incapable thereof for future.

And if it be questioned who these are, we thought not fit particularly to name them in this our representation unto you, but shall very speedily give in their names; and before long shall offer what we have to say against them, to your Commissioners, wherein we hope so to carry our selves, as that the world shall see, wee aime at nothing of private revenge, as animosities, but that justice may have a free course and the Kingdome be eased, and secured by disabling such men (at least) from places of Judicature who desiring to advantage, and set up themselves, and their party, in a generall confusion have indeavoured to put the Kingdom into a new flame of warre, then which nothing is more abhorrent to us.

But because neither the granting of this alone, would be sufficient to secure our owne, and the Kingdoms rights, liberties, and safetie either for the present age or posterity, nor would our proposing of this singly be free from the scandall, and appearance of faction or designe onely to weaken one party, under the notion of unjust or oppressive) that wee may advance another (which may be imagined more our own) we therefore declare

That



That indeed wee cannot but wish, that such men, and such onely, might be preferred to the great power and trust of the Commonwealth, as are approved, at least, for morall righteousness; And of such wee cannot but in our wishes preferre those, that appear acted thereunto by a principle of Conscience and Religion in them. And accordingly we doe and ever shall bless God for those many such Worthies, who through his Providence, have been chosen into this Parliament; And, to such mens endeavours (under God) we cannot but attribute that Vindication, (in part) of the peoples Rights and Liberties, and those beginnings of a just Reformation, which the first proceedings of this Parliament appeared to have driven at, and tended to, though of late obstructed, or rather diverted to other ends and interest by the prevailing of other persons of other principles and conditions.

But yet we are so farre from designing, or complying to have an absolute or arbitrary power fixed or settled for continuance, in any persons whatsoever, as that, (if we might be sure to obtain it) wee cannot wish to have it so in the persons of any, whom we could most confide in, or who should appear most of our own opinions or principles, or whom we might have most personall assurance of, or interest in, but we doe, and shall much rather wish, that the Authority of this Kingdome in Parliaments (rightly constituted, that is, freely, equally and successively chosen, according to its originall intention) may ever stand and have its course. And therefore we shall apply our desires, chiefly to such things, as (by having Parliaments settled in such a right Constitution) may give most hopes of Justice and Righteousnesse, to flow downe, equally to all, in that its ancient Channell, without any Overtures, tending either to overthrow, that foundation of Order and Government in this Kingdom, or to ingrosse that power for perpetuity into the hands of any particular persons, or party whatsoever.

And for that purpose, though (as we have found it doubted by many men minding sincerely the publique good, but not weighing so fully all consequences of things) it may and is not unlike to prove, that, upon the ending of this Parliament, and the

Election of New, the Constitution of succeeding Parliaments, (as to the persons Elected) may prove for the worse many wayes; yet since neither in the present purging of this Parliament, nor in the Election of New, wee cannot promise to our selves, or the Kingdome, an assurance of Justice, or other positive good from the hands of men, but those who for present appeare most righteous and most for common good (having an unlimited power fixed in them during life, or pleasure) in time, may become corrupt, or settle into parties, or factions; or, on the other side, in case of new Elections, those that should so succeed, may prove as bad or worse then the former. Wee therefore humbly conceive, that, (of two inconveniencies the lesse being to bee chosen) the main thing to be intended in this case (and beyond which humane providence cannot reach, as to any assurance of positive good) seemes to be this, *viz.* to provide, that however unjust or corrupt the persons of Parliament-men, in present or future, may prove; or whatever ill they may doe to particular parties (or to the whole, in particular things,) during their respective termes, or periods, yet they shall not have the temptation or advantage of an unlimited power fixe in them during their own pleasures, whereby to perpetuate injustice and oppression upon any, (without end or remedy,) or to advance and uphold any one particular party, faction or interest whatsoever, to the oppression or prejudice of the Community, and the enslaving of the Kingdome unto all posteritie, but that the people may have an equall hope; or possibility, if they have made an ill choice at one time, to mend it in another; and the Members of the House themselves may be in a capacitie, to taste of subjection as well as rule, and may so be inclined to consider of other mens cases, as what may come to be their owne. This we speake of, in Relation to the House of Commons, as being entrusted, on the peoples behalfe, for their interest in that great and supream power of the Common-wealth, (*viz.* the Legislative power, with the power of finall judgement,) which being in its own nature, so arbitrary, and in a manner unlimited (unlesse in point of time) is most unfit and dangerous (as to the peoples interest) to be fixe in the persons of the same men during life, or their own pleasures. Neither, by the originall Constitution of this

this State, was it, or ought it to continue so, nor doth it (wherever it is, and continues so) render that State any better then a meere Tyranny) or the people subjected to it, any better then Vassalls: But in all States, where there is any face of common freedom, and particularly in this State of *England* (as is most evident, both by many positive Lawes, and ancient constant custome) the people have a right to new and successive Elections unto that great and supreme trust, at certain periods of time, which is so essentiall and fundamentall to their freedome, as it is, cannot, or ought not, to be denied them, or withheld from them, and without which the House of *Commons* is of very little concernment to the interest of the *Commons of England*. Yet in this wee would not be mis-understood, in the least, to blame those Worthies of both Houses, whose zeale to vindicate the Liberties of this Nation, did procure that Act for continuance of this Parliament; whereby it was secured from being dissolved at the Kings pleasure, (as former Parliaments had been) or reduced to such a Certainty, as might enable them the better to assert and vindicate the Liberties of this Nation, (immediately before so highly invaded, and then also so much endangered.) And these wee take to be the principall ends and grounds, for which, in that exigency of time and affaires, it was procured, and to which we acknowledge it hath happily been made use of; but we cannot thinke it was by those Worthies intended, or ought to be made use of, to the perpetuating of that supreme trust and power in the persons of any during their owne pleasures, or to the debarring of the people from their right of Elections (totally new) when those dangers or exigencies were past, and the affaires and safety of the Common-wealth would admit of such a change.

Having thus cleared our Grounds and Intentions ( as we hope ) from all scruples and mis-understandings, in what follows we shall proceed further to propose what we humbly desire for the settling and securing of our owne and the Kingdomes Rights and Liberties ( through the blessing of God ) to Posterity; and therefore upon all the Grounds premised, we further humbly desire as follows;

3. That some determinate period of time may be set, for the continuance of this and future Parliaments, beyond which none shall continue, and upon which new Writs may of course issue out, and new Elections successively take place according to the intent of the Bill for Trienniall Parliaments;

And herein we would not be misunderstood to desire a present or sudden dissolution of this Parliament, but only (as is exprest before) that some certain period may be set for the determining of it, so as it may not remaine (as now) continuable for ever, or during the pleasure of the present Members; And we should desire that the period to be now set for ending this Parliament, may be such as may give sufficient time for provision of what is wanting and necessary to be passed in point of just Reformation, and for further securing the Rights and Liberties, and settling the peace of the Kingdome. In order to which we further humbly offer.

4. That secure provisions may be made for the continuance of future Parliaments, so as they may not be adjournable or dissolveable at the Kings pleasure, or any other wayes then by their own consent during their respective periods, but at those periods each Parliaments to determine of course as before. This we desire may be now provided for ( if it may be ) so as to put it out of all dispute, for future, though we thinke of right, it ought not to have beene otherwise before.

And thus a firme foundation being laid in the authority and constitution of Parliaments for the hopes, at least, of common  
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and equall right and freedome to our selves and all the free-born people of this Land ; we shall for our parts freely and cheerefully commit our stock or share of interest in this Kingdome, into this common bottome of Parliaments, and though it may ( for our particulars ) goe ill with us in one Voyage, yet we shall thus hope ( if right be with us ) to fare better in another.

These things we desire may be provided for by Bill or Ordinance of Parliament to which the Royall Assent may be desired : when his Majestie in these things, and what else shall be proposed by the Parliament, necessary for securing the Rights and Liberties of the people, and for the settling the *Militia* and peace of the Kingdome, shall have given his concurrence to put them past dispute, We shall then desire that the Rights of his Majestie and his posterity may be considered of, and settled in all things, so far as may consist with the Right and Freedome of the Subject, and with the security of the same for future.

5 We desire, that the right and freedome of the people, to represent to the Parliament by way of humble Petition, their grievances ( in such things as cannot otherwise be remedied then by Parliament ) may be cleared and vindicated. That all such grievances of the people may be freely received and admitted into consideration, and put into an equitable and speedy way, to be heard, examined, and redressed ( if they appeare reall ) and that in such things for which men have remedy by law, they may be freely left to the benefit of Law, and the regulated course of Justice, without interruption or checke from the Parliament, except in case of things done upon the exigency of Warre, or for the service and benefit of the Parliament and Kingdome in relation to the Warre, or otherwise, in due pursuance and execution of Ordinances or Orders of Parliament,

More particularly ( under this head ) we cannot but desire, that all such as are imprisoned, for any pretended misdemeanour, may be put into a speedy way for a just hearing and triall, and such as shall appeare to have been unjustly and unduly imprisoned, may ( with their liberty ) have some reasonable reparation according to their sufferings and the demerit of their oppressors.

6 That the large powers, given to the Committees or Deputy Lieutenants during the late times of War and distraction, may be speedily taken into consideration, That such of these powers as appear not necessary to be continued, may be taken away, and such of them as are necessary may be put into a regulated way, and left to as little Arbitrarinesse, as the nature and necessity of the things wherein they are conversant will beare.

7 We could wish that the Kingdom might both be righted and publickly satisfied in point of Accounts, for the vast summes that have been levied and paid, as also in divers other things wherein the Common wealth may be conceived to have beene wronged or abused; But we are loath to presse any thing, that may tend to lengthen out further disputes or contestations, but rather such as may tend to a speedy and generall composure, and quieting of mens minds, in order to Peace, for which purpose we further propose.

8 That (publique Justice being first satisfied by some few examples to posterity out of the worit of excepted persons, and other Delinquents, having past their Compositions) some course may be taken (by a generall Act of oblivion or otherwise) whereby the seeds of future Warre, or feuds, either to the present age, or posterity, may the better be taken away, by easing that sence of present, and satisfying those feares, of future Ruine or Undoing, to persons or families, which may drive men into any desperate wayes for selfe preservation or remedy, and by taking away the private remembrances and distinction of parties, as farre as may stand with safety to the rights and Liberties wee have hitherto fought for.

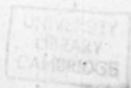
There are (besides these) many particular things which we could wish to be done, and some to be undone, all, in order still to the same ends, of common right, freedome, peace, and safety. But these proposalls foregoing, being the principall things we bottome and insist upon, wee shall (as we have said before) for our parts acquiesce; for other particulars in the Wisdome and Justice of Parliaments. And whereas it hath been suggested or suspected, that in our late, or present proceedings,



things, our design is to overthrow *Presbyterie*, or hinder the settlement thereof, and to have the *Independent* government set up, we doe clearly disclaime, and disavow any such designe; We onely desire that according to the Declarations (promising a provision for tender consciences) there may some effectuall course be taken according to the intent thereof; And that such, who, upon conscientious grounds, may differ from the established formes, may not (for that) bee debarred from the common Rights, Liberties, or Benefits belonging equally to all, as men and Members of the Common wealth, while they live soberly, honestly, and inoffensively towards others, and peaceably and faithfully towards the State.

We have thus freely and clearly declared the depth and bottom of our hearts and desires in order to the Rights, Liberties, and Peace of the Kingdome, wherein we appeale to all men, whether we seeke any thing of advantage to our selves, or any particular party whatever, to the prejudice of the whole, and whether the things we wish and seek, doe not equally concerne and conduce to the good of others in common with our selves, according to the sincerity of our desires and intentions; wherein, (as we have already found the concurrent sence of the people in divers Counties by their Petitions to the Generall, expressing their deepe representment of these things, and pressing us to stand for the Interest of the Kingdome therein; so we shall wish and expect to find the unanimous concurrence of all others, who are equally concerned with us in these things, and wish well to the Publike. And so trusting in the Mercy and goodnesse of God to passe by and help any failings or infirmities of ours, in the carriage or proceedings hereupon,) we shall humbly cast our selves and the businesse upon his good pleasure, depending onely on his presence and blessing for an happie issue to the peace and good of this poore Kingdome, in the accomplishment whereof, we desire, and hope, that God will make you blessed Instruments.

June



June 14<sup>th</sup>. 1647.

By the appointment of his Excel-  
lency Sir Thomas Fairfax,  
with the Officers and Soul-  
diery of his Army,

Signed,

Jo: Rushworth

Secretary.

FINIS.

